

charter, or bylaws of the association or corporation.

Person. "Person" includes individuals, partnerships, associations, and corporations.

Records. "Records" means those documents identified in §162.1a of this chapter and kept as provided in §162.1b of this chapter.

Region. "Region" means the geographic area covered by a waiver issued pursuant to §111.19(d).

Treasury Department or any representative thereof. "Treasury Department or any representative thereof" includes any office, officer, or employee of the Treasury Department, wherever located.

[T.D. 70-134, 35 FR 9254, June 13, 1970, as amended by T.D. 70-224, 35 FR 16243, Oct. 16, 1970; T.D. 86-161, 51 FR 30340, Aug. 26, 1986; T.D. 95-77, 60 FR 50019, Sept. 27, 1995]

§111.2 License and district permit required.

A person shall obtain the license provided for in this part in order to transact the business of a broker. A separate permit is required for each Customs district in which a licensee conducts customs business.

[T.D. 86-161, 51 FR 30340, Aug. 26, 1986]

§111.3 Transactions for which license is not required.

A license is not required to engage in the following transactions with the Treasury Department or any representative thereof:

(a) *For one's own account.* An importer or exporter transacting Customs business solely on his own account and in no sense on behalf of another is not required to be licensed, nor are his authorized regular employees or officers who act only for him in the transaction of such business.

(b) *As employee of brokers.* An employee of a broker, acting solely for his employer, is not required to be licensed where:

(1) *Authorized to sign Customs documents.* The broker has authorized the employee to sign Customs documents on his behalf, and has executed a power of attorney for that purpose. The broker is not required to file the power of attorney with the port director, but shall provide proof of its existence to

Customs upon request. Only employees who are residents of the United States may be authorized to sign Customs documents; or

(2) *Authorized to transact other business.* The broker has filed with the port director a statement identifying the employee as authorized to transact business on his behalf. Such statement shall also be filed at each port within the district where the broker wishes the employee to act for him.

Where the employee is given authority under either paragraph (b)(1) or (2) of this section, the broker must promptly give notice of the withdrawal of authority of any such employee and must exercise such supervision of his employees as will insure proper conduct on the part of the employees in the transaction of Customs business. Each broker will be held strictly responsible for the acts or omissions of his employees within the scope of their employment, and for acts or omissions of such employees which, in the exercise of reasonable care and diligence, the broker should have foreseen.

(c) *Marine transactions.* A person transacting business in connection with entry or clearance of vessels or other regulation of vessels under the navigation laws is not required to be licensed as a broker.

(d) *Transportation in bond.* Any carrier bringing merchandise to the port of arrival or any bonded carrier transporting merchandise for another may make entry for such merchandise for transportation in bond without being licensed as a broker.

(e) *Informal entries.* A person entering merchandise qualifying for, and entered under, the informal entry procedures authorized by 19 U.S.C. 1498 is not required to be licensed as a broker, unless required to be so licensed under §143.26 of this chapter, issued under the authority of 19 U.S.C. 1498.

[T.D. 70-134, 35 FR 9254, June 13, 1970, as amended by T.D. 78-99, 43 FR 13061, Mar. 29, 1978; T.D. 84-93, 49 FR 17754, Apr. 25, 1984; T.D. 94-51, 59 FR 30294, June 13, 1994]

§111.4 Transacting customs business without a license.

Any person who intentionally transacts customs business, other than as provided in §111.3, without holding a